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10/601,165	06/20/2003	David Elderfield	05-00222-01	7506
20491 7590 01/29/2007 DOERNER, SAUNDERS, DANIEL & ANDERSON, LLP 201 Robert S. Kerr Avenue Suite 700 OKLAHOMA CITY, OK 73102-4203			EXAMINER COLIN, CARL G	
			ART UNIT 2136	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/601,165	ELDERFIELD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Carl Colin	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Pursuant to USC 131, claims 1-18 are presented for examination.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 6/20/2003 is being considered by the examiner, and a PTO-Form 1449 has been initialed and signed by the Examiner.

#### ***Specification***

3. The disclosure is objected to because on page 15, line 9, "biometric image 306" should read biometric image --305--.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

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application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 7-9, and 18** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 2004/0162984 to **Freeman et al.**

As per claim 1, **Freeman et al** discloses a system for authenticating a document, the system comprising a system for authenticating a document, the system comprising *an endorsement system having a first scanning component* (see equipment 112, fig 3, page 4, paragraph 30), *a printing component* (see 142 of fig. 3), and a first processing component (see computer 116 and 118 of fig. 3), **Freeman et al** discloses equipment 112 collecting biometric data from an individual, photograph and other identity information: name, address, date, place of birth may be obtained from the person (see page 4, paragraph 30) that meets the recitation of *the first scanning component obtaining biometric information from a first person*, and further discloses an individual is issued an identity document and presents it to a POP for identification for requesting a privilege (see paragraph 38 first sentence, and paragraph 35) at the POP, additional biometrics information is obtained (see page 5, paragraph 35) that meets the recitation of *the first scanning component obtaining biometric information from a first person presenting the document*, and **Freeman et al** discloses computer 116 obtaining biometric data (see page 4, paragraph 31, lines 1-3) that meets the recitation of *the first processing component receiving the biometric information*, and computer 118 provides a permanent validated biometric data combined with identity certificate, the encoded certificate to produce the barcode represents the

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biometric image and the barcode is printed by a printer to produce an identity document (see page 4, paragraph 32 and blocks 120 and 140 of fig. 1) that meets the recitation of *providing a biometric image, the printing component applying the biometric image to an article* (see page 4, paragraph 32, last 3 sentences); *a database system* (see 118 of fig. 3, or 130 of fig. 1) *providing storage of the biometric image* (see page 4, paragraph 32), *the database system responding to a request for the biometric image by providing a template comprising extracted features of the biometric image* (see page 4, paragraph 30) the biometric data includes biometric features as interpreted by Examiner (see page 4, paragraph 30); *and a verification system having a second scanning component*, (computer 154 of fig. 4 and page 4, paragraph 34) (212, fig. 5) *and a second processing component* (214 and 118 of fig. 5); **Freeman et al** discloses when the document is presented by the person, scanner 212 obtains the document barcode or identity document (*biometric image*) (see page 5, paragraph 38) that meets the recitation of *the second scanning component obtaining the biometric image from the document presented to the verification system by a second person*, **Freeman et al** further discloses *the second processing component* (214) *requesting the biometric image from the database system, the second processing component comparing the biometric image with the template received as a result of the request* (see page 5, paragraph 40 and see also 240 and 220 of fig. 1) *and providing an indicator as to whether the document is valid or invalid* (see page 5, paragraph 40).

As per claim 7, **Freeman et al** discloses the limitation of *wherein the biometric information is provided by a fingerprint* (see page 4, last sentence of paragraph 29).

As per claim 8, **Freeman et al** discloses the limitation of *wherein the first person and the second person are the same person* (see page 4, paragraph 31, lines 1-3 and page 5, paragraph 38). **Freeman et al** discloses a record may be produced for a bearer of the document and the same bearer can provide identity information for granting a privilege.

As per claim 9, **Freeman et al** discloses the limitation of *wherein the second scanning component obtains biometric information from the second person* (see page 5, paragraph 35, second sentence) *and the second processing component compares the biometric data with the template* (see page 5, paragraph 40).

As per claim 18, **Freeman et al** discloses a *system for endorsing a document for subsequent verification comprising an endorsement system having a first scanning component* (see equipment 112, fig 3, page 4, paragraph 112), *a printing component* (see 142 of fig. 3), and a first processing component (see computer 116 and 118 of fig. 3), **Freeman et al** discloses equipment 112 collecting biometric data from an individual, photograph and other identity information: name, address, date, place of birth may be obtained from the person (see page 4, paragraph 30) to produce a printed identity document that meets the recitation of *the first scanning component for obtaining biometric information from a person for attachment to the document* (see also paragraph 36 for producing a printed privilege document); **Freeman et al** discloses computer 116 obtaining biometric data (see page 4, paragraph 31, lines 1-3) and computer 118 provides a permanent validated biometric data combined with identity certificate, the encoded certificate to produce the barcode represents the biometric image that meets the

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recitation of *the first processing component for receiving the biometric information and providing a biometric code* and computer 118 provides a permanent validated biometric data combined with identity certificate, the encoded certificate to produce the barcode represents the biometric image and the barcode is printed by a printer to produce an identity document (see page 4, paragraph 32 and blocks 120 and 140 of fig. 1) that meets the recitation of *the printing component for attaching the biometric code to the document to create an endorsed document*; (see also another embodiment in paragraphs 35 and 36 in which a first scanning component 174 obtains biometric information and a TPA that meets the recitation of first processing component for receiving biometric information and produce a biometric code, the barcode is inserted to a document which is printed by a printer to produce a printed privilege document).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2 and 4-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0162984 to **Freeman et al** in view of US Patent 5,974,150 to **Kaish et al** (*Applicant's IDS*).

As per claim 2, **Freeman et al** substantially discloses the claimed system of claim 1. **Freeman et al** does not explicitly disclose *wherein the printing component uses a sublimation dye process to apply the biometric image onto the article*. **Kaish et al** in an analogous art teaches an authenticating system that incorporates a dye sublimation process to print unique characteristics of an encoded label or certificate and the system provides the advantage of allowing instant field verification while maintaining a high level of security against counterfeiting by making the reverse engineering process extremely difficult and expensive (see column 16, lines 45-54 and column 12, lines 13-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of **Freeman et al** wherein the printing component uses a sublimation dye process to apply the biometric image onto the article. One of ordinary skill in the art would have recognized the advantage provided by a dye printing process for maintaining a high level of security against counterfeiting by making the reverse engineering process extremely difficult and expensive as suggested by **Kaish et al** (see column 12, lines 13-26).

As per claim 4, the references as combined above disclose the limitation of *wherein the article is a label* (see **Kaish et al**, column 16, lines 45-54). Claim 4 is therefore rejected on the same rationale as the rejection of claim 2 above.

As per claim 5, the references as combined above disclose the claimed system of claim 4. **Kaish et al** further discloses the label may include spatial relation and printed reference position (see column 22, lines 27-46) that meets the recitation of *wherein the label contains pre-printed calibration marks* and further discloses *and is capable of being applied to the document, wherein removal or alteration of the label is visually detectable* (see column 17, lines 38-50, column 11, lines 1-2, and column 12, lines 13-26). Claim 5 is therefore rejected on the same rationale as the rejection of claim 2 above.

As per claim 6, the references as combined above disclose the claimed system of claim 5. **Freeman et al** discloses a document that includes any document for identification or document to request for privilege or verify a privilege. **Kaish et al** further discloses the label may be used to be placed on any documents including for verification of shipping goods (see column 15, lines 15-26 and column 17, lines 37-42). It would have been to one of ordinary skill in the art at the time the invention was made to use the label for a document such as a bill of lading so as to perform authenticity of goods as suggested by **Kaish et al** (see column 15, lines 15-26).

6. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0162984 to **Freeman et al** in view of US Patent 6,546,112 to **Rhoads** (*Applicant's IDS*).

As per claim 3, **Freeman et al** does not explicitly disclose applying the biometric image to *a passport photograph*. **Rhoads** in an in an analogous art teaches encoding information to a document such as passport, photograph, and the like (see column 7, lines 56-64) to permit authentication of the document with the bearer of the document, to detect alteration of photo ID documents and to confirm whether the photograph has been tampered with (see column 7, lines 22-38 and lines 48-52). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of **Freeman et al** to apply biometric image to *a passport photograph*. One of ordinary skill in the art would have recognized the advantages as suggested by **Rhoads**, who teaches encoded biometric image embedded in a photograph so that the encoded information can be used to confirm whether the photograph has been tampered with (see column 7, lines 48-64).

7. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0162984 to **Freeman et al** in view of US Patent 6,853,739 to **Kyle**.

As per claim 10, **Freeman et al** substantially discloses an endorsement system comprising equipment 112 collecting biometric data from an individual including fingerprint, photograph and other identity information: name, address, date, place of birth may be obtained from the person (see page 4, paragraph 30 and biometric equipment 112, fig 3) that meets the recitation of *a means for capturing biometric data from a fingerprint of a person and a means for further augmenting the biometric data with a date/time stamp*; and **Freeman et al** discloses computer 118 provides a permanent validated biometric data combined with identity certificate,

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the encoded certificate to produce the barcode represents the biometric image that meets the recitation of *means for providing a biometric image from the augmented biometric data*;

**Freeman et al** discloses a TPA that meets the recitation of in paragraphs 35 and 36 in which a first scanning component 174 obtains biometric information and a TPA and printer (see figure 4) and further discloses an individual is issued an identity document and presents it to a POP for identification for requesting a privilege (see paragraph 38 first sentence, and paragraph 35) at the POP that meet the recitation of *means for affixing the biometric image to an original document provided by the person; whereby the original document with the affixed biometric image may subsequently be positively verified as authentic so that it may be confidently used for evidentiary purposes* (see page 5, paragraphs 38-40). **Freeman et al** does not explicitly disclose *a means for augmenting the biometric data with a signature of the person*. **Kyle** in an analogous art teaches a biometric verification system having a biometrics component and biometric data entry device that includes hand geometric reader (see column 7, 15-32 and column 8, lines 29-35) that meets the recitation of *means for augmenting the biometric data with a signature of the person*.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of **Freeman et al** to provide *means for augmenting the biometric data with a signature of the person*. One of ordinary skill in the art would have been motivated to do so because the biometric device would provide additional and alternative ways of verifying any type of biometric data entry by a person.

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8. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0162984 to **Freeman et al** in view of US Patent 6,853,739 to **Kyle** as applied to claim 10 and further in view of US Patent 5,974,150 to **Kaish et al** (*Applicant's IDS*).

As per claim 11, neither of the references explicitly discloses *wherein the means for affixing the biometric image to an original document comprises a sublimation dye printing process*. **Kaish et al** in an analogous art teaches an authenticating system that incorporates a dye sublimation process to print unique characteristics of an encoded label or certificate and the system provides the advantage of allowing instant field verification while maintaining a high level of security against counterfeiting by making the reverse engineering process extremely difficult and expensive (see column 16, lines 45-54 and column 12, lines 13-26). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system as combined above *wherein the means for affixing the biometric image to an original document comprises a sublimation dye printing process*. One of ordinary skill in the art would have recognized the advantage provided by a dye printing process for maintaining a high level of security against counterfeiting by making the reverse engineering process extremely difficult and expensive as suggested by **Kaish et al** (see column 12, lines 13-26).

9. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0162984 to **Freeman et al** in view of US Patent 6,853,739 to **Kyle** as applied to claim 10 and further in view of US Patent 6,560,352 to **Rowe et al** (*Applicant's IDS*).

As per claim 12, neither of the references explicitly discloses *wherein the means for capturing biometric data comprises a scanning component with a plurality of imaging circuits and a light source capable of providing a discrete set of wavelengths, each imaging circuit digitally capturing the response of the fingerprint to successive exposures to light having the different wavelengths*. **Rowe et al** in an analogous art teaches an apparatus for performing biometric analysis using different wavelengths to identify spectral features that are unique for a particular individual (see column 5, lines 18-33). **Rowe et al** further discloses the system comprises a light source that provides light energy at different wavelengths (see column 8, line 65 through column 9, line 2) and plurality of imaging circuits for providing each measurement of absorption of light energy by the tissue due to different wavelengths (see column 10, lines 28-49 and column 11, lines 50-60 and column 12, lines 11-26 and 49-58) that meets the recitation of *wherein the means for capturing biometric data comprises a scanning component with a plurality of imaging circuits and a light source capable of providing a discrete set of wavelengths, each imaging circuit digitally capturing the response of the fingerprint to successive exposures to light having the different wavelengths*. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system as combined above to provide a system for capturing response of fingerprint to successive exposures to light having different wavelengths as suggested by **Rowe et al**. The motivation to do so is provided by **Rowe et al** who teaches a system that does not require use of specific body parts but can use different fingers for enrollment and verification, and a system that can provide proper analysis using discriminant analysis techniques for identifying unique features or combinations which are not readily apparent in visual analysis, and **Rowe et al** adds

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that the system can be used with existing system to increase the accuracy of the system (see column 4, lines 15-30 and column 8, lines 18-33).

10. **Claims 13-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0162984 to **Freeman et al** in view of US Patent 5,974,150 to **Kaish et al** (*Applicant's IDS*) in view of US Patent 6,560,352 to **Rowe et al** (*Applicant's IDS*).

As per claim 13, **Freeman et al** substantially discloses method for authenticating a document presented by a person, the document having an access code visibly imprinted thereon, the method comprising, biometrically check the identity of an individual and generating an identity certificate that is unique to the individual that meets the recitation of *developing a digital geometrical representation of the biological portion* (see page 4, paragraph 31); *encoding the digital geometrical representation as a biometric image* (see page 4, paragraph 32);

**Freeman et al** discloses using a reference for retrieval of the identity certificate stored in a database that meets the recitation of *storing the biometric image in a database in association with the access code*; **Freeman et al** discloses the encoded certificate to produce the barcode represents the biometric image and the barcode is printed by a printer to produce an identity document (see page 4, paragraph 32 and blocks 120 and 140 of fig. 1) and further discloses *verifying the authenticity of the document by comparing the biometric image imprinted on the document with a template derived from the biometric image stored in the database and associated with the access code*; **Freeman et al** does not explicitly disclose *wherein the printing component uses a sublimation dye process to apply the biometric image onto a label* and does

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not explicitly disclose that the reference associated with the biometric image may be manually entered. **Kaish et al** in an analogous art teaches an authenticating system that incorporates a dye sublimation process to print unique characteristics of an encoded label or certificate and the system provides the advantage of allowing instant field verification while maintaining a high level of security against counterfeiting by making the reverse engineering process extremely difficult and expensive (see column 16, lines 45-54 and column 12, lines 13-26). **Kaish et al** discloses the label may be used to be placed on any documents including for verification of shipping goods (see column 15, lines 15-26 and column 17, lines 37-42). **Kaish et al** further discloses that the document can be verified by manual entry of an associated object with the label (see column 17, lines 10-16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Freeman et al** wherein the printing component uses a sublimation dye process to imprint a label with the biometric image and to apply it to the document and manually enter an associated object for verifying the label as suggested by **Kaish et al**. One of ordinary skill in the art would have recognized the advantage provided by a dye printing process for maintaining a high level of security against counterfeiting by making the reverse engineering process extremely difficult and expensive as suggested by **Kaish et al** (see column 12, lines 13-26). One of ordinary skill in the art would have been motivated to provide manual entry of a reference for retrieval of information from the database to allow flexibility if automatic entry is not available.

**Freeman et al** does not explicitly disclose the features of the scanner in obtaining biometric information. **Rowe et al** in an analogous art teaches an apparatus for performing biometric analysis using different wavelengths to identify spectral features that are unique for a

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particular individual (see column 5, lines 18-33) and further discloses *successively illuminating a biological portion of the person with light spectra from a light emitting source, each light spectrum having a wavelength successively and exhaustively chosen from a set of selected spectral ranges* (see column 6, line 65 through column 7, line 8 and column 8, lines 7-12 and column 12, lines 4-25). **Rowe et al** further discloses that the biometric image (the person's spectral data is used for identification and verification of the person's identity) and is associated with an identifier such as PIN code (access code) that the person may present to select a particular enrollment database spectrum during verification (see column 13, lines 12-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Freeman et al** to provide a system for capturing biometric information based on spectral data as suggested by **Rowe et al**. The motivation to do so is provided by **Rowe et al** who teaches a system that does not require use of specific body parts but can use different fingers for enrollment and verification and a system that can provide proper analysis using discriminant analysis techniques for identifying unique features or combinations which are not readily apparent in visual analysis, and **Rowe et al** adds that the system can be used with existing system for improvement in accuracy (see column 4, lines 15-30 and column 8, lines 18-33).

As per claim 14, **Rowe et al** discloses wherein the biological portion is a member of the group consisting of the fingers and the thumbs of both of the person's hands (see column 12, lines 21-26). Therefore claim 14 is rejected on the same rational as the rejection of claim 13.

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As per claim 15, the references as combined above disclose the claimed system of claim 13. **Freeman et al** discloses a document that includes any document for identification or document to request for privilege or verify a privilege. **Kaish et al** further discloses the label may be used to be placed on any documents including for verification of shipping goods (see column 15, lines 15-26 and column 17, lines 37-42). It would have been to one of ordinary skill in the art at the time the invention was made to use the label for a document such as a bill of lading so as to perform authenticity of goods as suggested by **Kaish et al** (see column 15, lines 15-26).

As per claim 16, **Kaish et al** further discloses that the document can be verified by manual entry of an associated object with the label (see column 17, lines 10-16). **Rowe et al** further discloses that the biometric image (the person's spectral data is used for identification and verification of the person's identity) and is associated with an identifier such as PIN code (access code) that the person may present to select a particular enrollment database spectrum during verification (see column 13, lines 12-33) that meets the recitation of *wherein manual entry of the access code comprises the steps of reading the access code from the document by an operator and entering the access code through a computer terminal*. Therefore claim 16 is rejected on the same rational as the rejection of claim 13.

11. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,546,112 to **Rhoads** (*Applicant's IDS*) in view of US Patent 5,974,150 to **Kaish et al** (*Applicant's IDS*) in view of "<http://govinfo.library.unt.edu/npr/library/news/111898.html>";

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James P. Rubin; "The State Department Issues A New, More-Secure U.S. Passport Featuring Digitized Imaging" November 18, 1998; Pages 1-2.

As per claim 17, **Rhoads** substantially discloses a method for endorsing a photo identification document presented by a person, the method comprising *taking a photograph of the person* (see figure 1 and column 2, lines 59-61); *developing a digital geometrical representation of the biological portion and encoding the digital geometrical representation as a biometric image* (see column 1, lines 44-56; column 2, lines 61-65 and column 7, lines 22-29); *imprinting the photograph of the person with the biometric image* (column 7, lines 22-36). **Rhoads** discloses *storing a digital image of the photograph and the biometric image in a database* (see column 7, lines 56-64 and column 1, lines 57-65); *and verifying the authenticity of the photo identification document by comparing the biometric image obtained from the person and a template derived from the biometric image stored in the database*, (see column 7, lines 56-64). **Rhoads** discloses suggests applying security on the passport photograph to avoid alteration or swapping of the photograph (see column 1, lines 32-42) and further discloses using encoding information about the individual (see column 1, lines 41-65) in barcode form and applied it to the photograph (see column 6, lines 51-63) and discloses encoded information can be served as an index into the database that meets the recitation of *obtaining an address associated with the digital image and the biometric image*. **Rhoads** does not explicitly state the steps in applying for passport and printing using a dye sublimation printing process, which are well known in the art. Examiner takes official notice that it is well known that in applying for a passport, an application is submitted including at least two photographs with information of the individual on

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the back of the photograph. Non-Patent Literature by US Department of State also suggests using digital image and printing on the as deterrent to counterfeiting. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Rhoads** to provide two photographs and imprint the biometric image and serial number index on the back of the photographs using a dye sublimation process as suggested above. One of ordinary skill in the art would have been motivated to do so to avoid tampering such as alteration or swapping of the photograph as suggested by **Rhoads** (see column 6, line 51-column 7, line 3).

**Rowe et al** in an analogous art teaches an apparatus for performing biometric analysis using different wavelengths to identify spectral features that are unique for a particular individual (see column 5, lines 18-33) and further discloses *successively illuminating a biological portion of the person with light spectra from a light emitting source, each light spectrum having a wavelength successively and exhaustively chosen from a set of selected spectral ranges* (see column 6, line 65 through column 7, line 8 and column 8, lines 7-12 and column 12, lines 4-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Freeman et al** to provide a system for capturing biometric information based on spectral data as suggested by **Rowe et al**. The motivation to do so is provided by **Rowe et al** who teaches a system that does not require use of specific body parts but can use different fingers for enrollment and verification and a system that can provide proper analysis using discriminant analysis techniques for identifying unique features or combinations which are not readily apparent in visual analysis, and **Rowe et al** adds that the system can be

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used with existing system for improvement in accuracy (see column 4, lines 15-30 and column 8, lines 18-33).

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art teaches many of the claimed features regarding biometric images applying to documents to prevent tampering and provide authenticity between the document, the biometric image, and the bearer of the document. (see PTO-Form 892).

12.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

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a USPTO Customer Service Representative or access to the automated information system, call  
800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Carl Colin

Patent Examiner

January 19, 2007